IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 2218 of 1995**

Between:

1 B.Shivaiah S/o.Rajaiah
R/o.1-2-234/43/C, Domalguda, Hyderabad.
2 B.Laxmi D/o.B.Rajaiah
R/o.1-2-234/43/C, Domalguda, Hyderabad.
3 B.Jammaiah S/o.B.Kistaiah
R/o.1-2-234/43/C, Domalguda, Hyderabad.
4 B.Kanta Rao S/o.B.Sivaiah
R/o.1-2-234/43/C, Domalguda, Hyderabad.

**..... PETITIONERS**

AND

1 The District Collector, Adilabad District,
Adilabad.
2 The Managing Director A..P.State Road Transport Corporation
Hyderabad-20.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of Respondent No.1 in alienating the property admeasuring Ac.6-50 in Sy.nos.143 & 147 of Kothapet Village, Kagaznagar Mandal, Adilabad District in favour of 2nd Respondent without following the procedure prescribed under standing order of Board of Revenue (Acquisition of Land for Public purpose) Sec.636 (32) (IV) is illegal, arbitrary and without jurisdiction and consequently direct the Respondent No.1 to follow the procedure prescribed understanding orders of Board of Revenue (Acquisition of land for public purpose) Sec. 636 (32) (IV) by issuing a Writ of Mandamus or any appropriate Writ, Order or Direction.

**Counsel for the Petitioners: MR.A.K.NARASIMHA RAO**

**Counsel for the Respondent No.1: GP FOR REVENUE**

**Counsel for respondent No.2 : Mr.VTM Prasad, SC for APSRTC.**

**The Court made the following :**

**ORDER:**

This writ petition is filed, seeking Writ of Mandamus, to declare the action of the first respondent in alienating the property of the petitioners, admeasuring Ac.6.50 cents in Sy.No.143 and 147 of Kothapet village, Kagaznagar Mandal, Adilabad District, in favour of the second respondent, as illegal and arbitrary.

It is the case of the petitioners that they were the owners and possessors of the land in Sy.No.143 and 147 of Kothapet village, Kagaznagar Mandal, Adilabad District. The said land was notified under the provisions of the Land Acquisition Act, 1894, in the year 1960, for public purpose, namely, construction of industrial housing colony. It is stated that though award was passed, the petitioners were not issued any notice with regard to passing of the award and determination of compensation in the land acquisition proceedings. It is further stated that though the said land was notified for a particular public purpose in the acquisition notice, but, the said land was transferred in favour of the second respondent for constructing bus station.

It is submitted by Sri K.Narasimha Rao, the learned Counsel appearing for the petitioners that as mush as the said land was notified for industrial housing colony, the first respondent cannot transfer to the second respondent for constructing bus station. Further, it is submitted that in any event, as the petitioners were not paid compensation, the petitioners are entitle to restoration of their land.

Admittedly, the land in question was notified under the provisions of the Land Acquisition Act,1894, in the year 1960, and award was also passed determining the compensation payable to the petitioners. Though, it is submitted by the learned Counsel that no notice was issued in the award proceedings, but the petitioners did not question the same. In view of the acquisition proceedings and steps taken consequent to the same, the land vested with the Government. It is also settled preposition that the land notified for a particular public purpose, can also be utilized

for any other public purpose. Though the land was notified in the year 1960; and possession was taken from the petitioners, this writ petition came to be filed in the year 1995 stating that the land was transferred from the first respondent to the second respondent for constructing bus station. It is to be seen, inasmuch as the land was notified in the year 1960 and the said land vested with the Government, the petitioners cannot question the action of the first respondent in transferring the said land to the second respondent for constructing bus station. It the compensation was not received by the petitioners in the award proceedings, it is always open for them to approach competent authorities for payment of compensation, which is already determined, but, at the same time, the petitioners cannot question the acquisition proceedings and transfer of the land from first respondent to second respondent.

The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

January 18,2005.

Mdaa/msnr.

Copy to:

1 The District Collector, Adilabad District,
Adilabad.
2 The Managing Director A..P.State Road Transport Corporation
Hyderabad-20.

3. two C.Cs to G.P.for Revenue, High Court of A.P.,Hyderabad (OUT).

4. Two C.D.copies.